

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85945214
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION	
MARK	<a href="http://tmng-al.uspto.gov/resting2/api/img/85945214/large">http://tmng-al.uspto.gov/resting2/api/img/85945214/large</a>
LITERAL ELEMENT	RSPEC
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (016)(current)	
INTERNATIONAL CLASS	016
DESCRIPTION	
Printed and electronic publications, namely, tutorials, brochures, pamphlets, case studies and bulletins in the field of mineral wool insulation	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/00/2013
FIRST USE IN COMMERCE DATE	At least as early as 03/00/2013
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	1627367
FOREIGN APPLICATION COUNTRY	Canada
FOREIGN FILING DATE	05/21/2013
GOODS AND/OR SERVICES SECTION (016)(proposed)	
INTERNATIONAL CLASS	016
DESCRIPTION	
Printed and electronic publications, namely, tutorials, brochures, pamphlets, case studies and bulletins in	

the field of mineral wool insulation	
<b>FILING BASIS</b>	Section 1(b)
<b>FILING BASIS</b>	Section 44(d)
<b>FOREIGN APPLICATION NUMBER</b>	1627367
<b>FOREIGN APPLICATION COUNTRY</b>	Canada
<b>FOREIGN FILING DATE</b>	05/21/2013
<b>GOODS AND/OR SERVICES SECTION (041)(current)</b>	
<b>INTERNATIONAL CLASS</b>	041
<b>DESCRIPTION</b>	
Operating a website for the purpose of providing information and resources in the field of mineral wool insulation; Educational services, namely providing information and resources online in the field of mineral wool insulation	
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 03/00/2013
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 03/00/2013
<b>FILING BASIS</b>	Section 44(d)
<b>FOREIGN APPLICATION COUNTRY</b>	Canada
<b>FOREIGN EXPIRATION DATE</b>	08/18/2029
<b>GOODS AND/OR SERVICES SECTION (041)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	041
<b>DESCRIPTION</b>	
Operating a website for the purpose of providing information and resources in the field of mineral wool insulation; Educational services, namely providing information and resources online in the field of mineral wool insulation	
<b>FILING BASIS</b>	Section 1(b)
<b>FILING BASIS</b>	Section 44(d)
<b>FOREIGN APPLICATION COUNTRY</b>	Canada
<b>FOREIGN EXPIRATION DATE</b>	08/18/2029
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
<b>RESPONSE SIGNATURE</b>	/B. Brett Heavner/

<b>SIGNATORY'S NAME</b>	B. Brett Heavner
<b>SIGNATORY'S POSITION</b>	Attorney of record, DC bar member
<b>SIGNATORY'S PHONE NUMBER</b>	2024084000
<b>DATE SIGNED</b>	07/27/2015
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Mon Jul 27 11:01:28 EDT 2015
<b>TEAS STAMP</b>	USPTO/RFR-65.207.2.2-2015 0727110128805721-85945214 -54032758a347688d09155665 e6681821eb2c57db8d7b9e2ae 3f98f16e178d15a7c-N/A-N/A -20150727085720844855

## Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85945214** RSPEC(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/85945214/large>) has been amended as follows:

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 016 for Printed and electronic publications, namely, tutorials, brochures, pamphlets, case studies and bulletins in the field of mineral wool insulation

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2013 and first used in commerce at least as early as 03/00/2013 , and is now in use in such commerce.

**Filing Basis: Section 44(d), Priority based on foreign filing: *For a trademark or service mark***

**application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by

members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. ***For a certification membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Canada application number 1627367 filed 05/21/2013]. 15 U.S.C. Section 1126(d), as amended.

**Proposed:** Class 016 for Printed and electronic publications, namely, tutorials, brochures, pamphlets, case studies and bulletins in the field of mineral wool insulation

Deleted Filing Basis: 1(a)

**Filing Basis: Section 1(b), Intent to Use:** ***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:** ***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. ***For a certification membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Canada application number 1627367 filed 05/21/2013]. 15 U.S.C. Section 1126(d), as amended.

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 041 for Operating a website for the purpose of providing information and resources in the field of mineral wool insulation; Educational services, namely providing information and resources online in the field of mineral wool insulation

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the

identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2013 and first used in commerce at least as early as 03/00/2013 , and is now in use in such commerce.

**Filing Basis: Section 44(d), Priority based on foreign filing: *For a trademark or service mark***

***application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. ***For a certification membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on[ Canada application number \_\_\_\_\_ filed \_\_\_\_\_ ]. 15 U.S.C. Section 1126(d), as amended.

**Filing Basis: Section 44(e), Based on Foreign Registration: *For all applications:*** The applicant attaches a copy of [ \_\_\_\_\_ registration number \_\_\_\_\_ registered \_\_\_\_\_ with a renewal date of \_\_\_\_\_ and an expiration date of 08/18/2029 ], and translation thereof, if appropriate. ***For a***

***trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant.

**Proposed:** Class 041 for Operating a website for the purpose of providing information and resources in the field of mineral wool insulation; Educational services, namely providing information and resources online in the field of mineral wool insulation

Deleted Filing Basis: 1(a)

**Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:***

As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the

certification standards of the applicant.

**Filing Basis: Section 44(d), Priority based on foreign filing:***For a trademark or service mark*

**application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. ***For a certification membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [ Canada application number \_\_\_\_\_ filed \_\_\_\_\_ ]. 15 U.S.C. Section 1126(d), as amended.

**Filing Basis: Section 44(e), Based on Foreign Registration:***For all applications:* The applicant attaches a copy of [ Canada registration number \_\_\_\_\_ registered \_\_\_\_\_ with a renewal date of \_\_\_\_\_ and an expiration date of 08/18/2029 ], and translation thereof, if appropriate, before the application may proceed to registration. ***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant.

**SIGNATURE(S)**

**Declaration Signature**

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

**Request for Reconsideration Signature**

Signature: /B. Brett Heavner/ Date: 07/27/2015

Signatory's Name: B. Brett Heavner

Signatory's Position: Attorney of record, DC bar member

Signatory's Phone Number: 2024084000

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof;

and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85945214

Internet Transmission Date: Mon Jul 27 11:01:28 EDT 2015

TEAS Stamp: USPTO/RFR-65.207.2.2-2015072711012880572

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